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Kenneth C. Frazier, David W. Anstice and Peter S. Kim*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC., SECURITIES,
DERIVATIVE & “ERISA” LITIGATION

MDL No. 1658 (SRC)

This document relates to:
THE STICHTING PENSIOENFONDS ABP ACTION

Case No. 2:05-CV-05060-SRC-MF

**[PROPOSED] ORDER GRANTING DEFENDANTS’
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

Defendants Merck & Co., Inc., Raymond V. Gilmartin, Judy C. Lewent, Alise S. Reicin, Kenneth C. Frazier, David W. Anstice and Peter S. Kim (collectively, “Defendants”) in the above-entitled action, having moved for an Order dismissing all claims alleged in the Second Amended Complaint; and

This Court having considered the papers submitted by the parties, and having heard the arguments of counsel both in support of and in opposition to Defendants’ Motion, and for good cause shown,

IT IS HEREBY ORDERED that the Second Amended Complaint be and hereby is dismissed with prejudice as to Defendants.

_____, 2012.

Stanley R. Chesler
United States District Judge